

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

## 1 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

Case No.: 19-31911

Brian Ballentine

Judge: Michael B. Kaplan

**Debtor(s)**

## Chapter 13 Plan and Motions

Original       Modified/Notice Required      Date: March 5, 2020  
 Motions Included       Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

## **YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

## THIS PLAN:

DOES  DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

DOES  DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

DOES  DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: WSW

Initial Debtor: BB

Initial Co-Debtor: \_\_\_\_\_

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 515.00\* per month to the Chapter 13 Trustee, starting on 5/1/2020 for approximately 48 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

Future earnings

Other sources of funding (describe source, amount and date when funds are available):

\*Plus amounts paid in prior to plan confirmation. \$920 paid in through 2/29/2020. March payment of \$230.00 made 3/5/2020.

c. Use of real property to satisfy plan obligations:

Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d.  The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e.  Other information that may be important relating to the payment and length of plan:

Two of four student loans may be canceled by U.S. Department of Education/NELNET because Burlington College closed. Petition schedules these claims as disputed. Student loans are Parent Plus loans. \$28,973.01 is due. Mr. Ballentine is only obligor on these loans.

**Part 2: Adequate Protection  NONE**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ PNC Mortgage to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \$1,605.00 per month (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 2750.00
DOMESTIC SUPPORT OBLIGATION	none	

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

None

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence:  NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
PNC	first mortgage debtor's home	\$3,567.00	as allowed	\$3567.00	\$1605.00

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:  NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**c. Secured claims excluded from 11 U.S.C. 506:  NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments  NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES  
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Chase Auto Finance	2012 Subaru Impreza wagon 4door 20i model 126,000 miles	6,337.00	\$3,070.00	n/a	\$3,070.00	as allowed	\$3,070.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

Chase Auto Finance- note claim bifurcation under 11 USC 506 is requested. Claim is over 910 days old on this auto loan. Contract rate is 7.040%.

**e. Surrender  NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan  NONE**

The following secured claims are unaffected by the Plan:

**g. Secured Claims to be Paid in Full Through the Plan:  NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims  NONE**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

Not less than \$ \_\_\_\_\_ to be distributed *pro rata*  
 Not less than \_\_\_\_\_ percent  
 *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
NelNet US Department of Education	nondischargeable student loans	paying in plan	as allowed. Claims are estimated at \$28,973.00 for loans not subject to cancellation.

**Part 6: Executory Contracts and Unexpired Leases  NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

**Part 7: Motions  NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).  NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.  NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.  NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Chase Auto Finance	2012 Subaru Impreza wagon 4door 20i model 126,000 miles	\$6,337.72	\$3,267.00	\$3,267.00	\$3,070.72

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- Upon confirmation
- Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Debtor's counsel fees
- 3) Secured claims
- 4) Unsecured priority claims      5.) Unsecured claims

**d. Post-Petition Claims**

The Standing Trustee  is,  is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification  NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 11/20/2019.

Explain below <b>why</b> the plan is being modified: Amended to meet Trustee objections. Corrected secured portion on auto loan and provided contract rate. Corrected order of distribution. Removed information in Section 4g. Added student loan into plan. Extended plan to 48 months.	Explain below <b>how</b> the plan is being modified: Increased plan payment to \$515.00 per month starting 5/1/2020. Corrected order of distribution, added contract interest rate on Impreza auto being crammed down. Removed Section 4g text. Extend plan to 48 months.
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Are Schedules I and J being filed simultaneously with this Modified Plan?

Yes       No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

NONE

Explain here:

Student loans to be canceled. Two loans with college that failed. US Department of Education advises these loans will be canceled.  
Student loans not subject to cancellation by US Department of Education/NELNET to be paid in plan.

Any non-standard provisions placed elsewhere in this plan are ineffective.

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: March 5, 2020

/s/Brian Ballentine

Debtor

Date: \_\_\_\_\_

Joint Debtor

Date: March 5, 2020

/s/William S. Wolfson

Attorney for Debtor(s)

Certificate of Notice Page 11 of 12  
United States Bankruptcy Court  
District of New JerseyIn re:  
Brian William Ballentine  
DebtorCase No. 19-31911-MBK  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 40

Date Rcvd: Apr 28, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 30, 2020.

db Brian William Ballentine, 114 Musconetcong River Road, Washington, NJ 07882-3010  
 cr +JPMORGAN CHASE BANK, N.A., RAS Citron, LLC, 130 Clinton Road, Suite 202, Fairfield, NJ 07004-2927  
 518652185 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 518580649 +Chase Auto Finance, P.O. Box 901003, Fort Worth, TX 76101-2003  
 518580651 +Citibank/Best Buy, Po Box 6497, Sioux Falls, SD 57117-6497  
 518580650 +Citibank/Best Buy, Attn: Bankruptcy, Po Box 790441, St. Louis, MO 63179-0441  
 518580663 +Kohls/Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285  
 518666012 +Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037  
 518580666 +NJ Motor Vehicle Commission, Surcharge Administration Office, P.O. Box 160, Trenton, NJ 08601-0160  
 518580667 +PNC Bank, Attn: Bankruptcy Department, Po Box 94982: Mailstop Br-Yb58-01-5, Cleveland, OH 44101-4982  
 518580668 +PNC Bank, 1 Financial Pkwy, Kalamazoo, MI 49009-8002  
 518629125 +PNC Bank, N.A., 3232 Newmark Drive, Miamisburg, OH 45342-5421  
 518580669 +Pnc Mortgage, Attn: Bankruptcy, 3232 Newmark Drive, Miamisburg, OH 45342-5433  
 518580670 +Pnc Mortgage, Po Box 8703, Dayton, OH 45401-8703  
 518580665 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245, TRENTON NJ 08646-0245  
 (address filed with court: NJ Division of Taxation, 50 Barracks Street, PO Box 269, Trenton, NJ 08695)  
 518580671 +Santander Bank, Mail Code: MA1-MB3-01-21, 2 Morrissey Boulevard, Boston, MA 02125-3312  
 518580672 +Santander Bank, 450 Penn St, Reading, PA 19602-1011  
 518580676 +USAA Federal Savings Bank, 10750 Mcdermott, San Antonio, TX 78288-1600  
 518580675 +USAA Federal Savings Bank, Attn: Bankruptcy, 10750 Mcdermott Freeway, San Antonio, TX 78288-1600

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 28 2020 22:57:54 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Apr 28 2020 22:57:51 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235  
 518654051 E-mail/Text: ally@ebn.phinsolutions.com Apr 28 2020 22:57:03 Ally Capital, PO Box 130424, Roseville MN 55113-0004  
 518580642 +E-mail/Text: ally@ebn.phinsolutions.com Apr 28 2020 22:57:03 Ally Financial, Attn: Bankruptcy Dept, Po Box 380901, Bloomington, MN 55438-0901  
 518580643 +E-mail/Text: ally@ebn.phinsolutions.com Apr 28 2020 22:57:03 Ally Financial, 200 Renaissance Ctr # B0, Detroit, MI 48243-1300  
 518580646 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 28 2020 23:01:54 Capital One, 15000 Capital One Dr, Richmond, VA 23238  
 518580644 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 28 2020 23:12:25 Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285  
 518602032 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Apr 28 2020 23:01:23 Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901  
 518580648 +E-mail/Text: bk.notifications@jpmchase.com Apr 28 2020 22:57:43 Chase Auto Finance, Attn: Bankruptcy, Po Box 901076, Fort Worth, TX 76101-2076  
 518580660 E-mail/Text: mrdiscren@discover.com Apr 28 2020 22:57:09 Discover Financial, Attn: Bankruptcy Department, Po Box 15316, Wilmington, DE 19850  
 518580661 E-mail/Text: mrdiscren@discover.com Apr 28 2020 22:57:09 Discover Financial, Po Box 15316, Wilmington, DE 19850  
 518580656 +E-mail/Text: electronicbkydocs@nelnet.net Apr 28 2020 22:57:56 Department of Education/Nelnet, Po Box 82561, Lincoln, NE 68501-2561  
 518580652 +E-mail/Text: electronicbkydocs@nelnet.net Apr 28 2020 22:57:56 Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505  
 518589863 E-mail/Text: mrdiscren@discover.com Apr 28 2020 22:57:09 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 518580662 +E-mail/Text: sbse.cio.bnc.mail@irs.gov Apr 28 2020 22:57:25 Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346  
 518655770 E-mail/Text: bk.notifications@jpmchase.com Apr 28 2020 22:57:43 JPMorgan Chase Bank, N.A., National Bankruptcy Department, P.O. Box 29505 AZ1-5757, Phoenix, AZ 85038-9505  
 518580664 +E-mail/Text: bncnotices@becket-lee.com Apr 28 2020 22:57:15 Kohls/Capital One, N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-5660  
 518582231 +E-mail/PDF: gecscedi@recoverycorp.com Apr 28 2020 23:01:07 Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 518580673 +E-mail/PDF: gecscedi@recoverycorp.com Apr 28 2020 23:01:44 Synchrony Bank/Care Credit, Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060  
 518580674 +E-mail/PDF: gecscedi@recoverycorp.com Apr 28 2020 23:01:07 Synchrony Bank/Care Credit, C/o Po Box 965036, Orlando, FL 32896-0001  
 518657031 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Apr 28 2020 23:02:01 Verizon, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901  
 TOTAL: 21

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 40

Date Rcvd: Apr 28, 2020

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

518580647\* ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
(address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)  
518580645\* +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285  
518580657\* +Department of Education/Nelnet, Po Box 82561, Lincoln, NE 68501-2561  
518580658\* +Department of Education/Nelnet, Po Box 82561, Lincoln, NE 68501-2561  
518580659\* +Department of Education/Nelnet, Po Box 82561, Lincoln, NE 68501-2561  
518580653\* +Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505  
518580654\* +Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505  
518580655\* +Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505  
TOTALS: 0, \* 8, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 30, 2020

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 27, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Denise E. Carlon on behalf of Creditor PNC Mortgage, a Division of PNC Bank, National Association dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com  
Harold N. Kaplan on behalf of Creditor JPMORGAN CHASE BANK, N.A. hkaplan@rasnj.com, informationathnk@aol.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
William S. Wolfson on behalf of Debtor Brian William Ballentine wwolfsonlaw@comcast.net, liza.wwolfsonlaw@comcast.net

TOTAL: 5